

REMARKS

This communication responds to the Office Action mailed February 7, 2007. Claim 1 was originally filed and remains pending. Claim 1 has been amended to further define the present invention. Claim 2 has been added to yet further define the present invention.

OBJECTION TO THE ABSTRACT

The Examiner objected to the Abstract as including too many words. The Applicant hereby submits a replacement Abstract. The new Abstract has less than 150 words. The new Abstract does not add new subject matter as this material can be found in paragraphs 00173-00180 beginning at page 59 of the specification. Applicant respectfully requests reconsideration and withdrawal of the objection to the Abstract.

OBJECTION TO THE DRAWINGS

The Examiner objected to the Drawings as failing to show every feature of the invention specified in claim 1. The Applicant hereby submits New Sheet 17 including a new drawing, which shows each and every feature of the claimed invention without adding new matter, as this subject matter was included in paragraphs 00173-00180 beginning at page 59 of the specification. The Applicant also hereby submits Replacement Sheets 1-16 to correct the sheet numbering. The Applicant respectfully requests reconsideration and withdrawal of the objection to the Drawings.

CLAIM 1 SATISFIES 35 U.S.C. § 112, ¶1

The Examiner rejected claim 1 under 35 U.S.C. § 112, ¶ 1 as failing to comply with the enablement requirement. Specifically, the Examiner contends that claim 1 fails to disclose how the portfolio is transmitted over a network in response to a single click. Claim 1 has been amended to recite that one or more trades to implement the adjusted portfolio are transmitted over a computer network. This subject matter is well set forth in the application. Therefore, the Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1.

CLAIM 1 SATISFIES 35 U.S.C. § 112, ¶2

The Examiner rejected claim 1 under 35 U.S.C. § 112, ¶ 2 as failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Applicant has amended claim 1 in accordance with the Examiner's remarks. Therefore, the Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1.

CLAIM 1 SATISFIES 35 U.S.C. § 101

The Examiner rejected claim 1 under 35 U.S.C. § 101 because the Examiner contends claim 1 lacks patentable utility and is directed to non-statutory subject matter. Claim 1 has been amended, and at least as amended recites statutory subject matter. Furthermore, at least as amended claim 1 has patentable utility as it relates to a computer implemented method. Therefore, the Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1.

NON-STATUTORY PROVISIONAL DOUBLE PATENTING

The Examiner provisionally rejected claim 1 on the ground of non-statutory double patenting over claim 1 of U.S. Patent Application No. 10,627,873. The Applicant will address this rejection by filing a terminal disclaimer should claim 1 be found to be otherwise allowable and the conflicting claims of U.S. Patent Application No. 10/627,873 be patented. A rejection based on a non-statutory type of double patenting can be avoided by filing a terminal disclaimer in the application or proceeding in which the rejection is made. *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Knohl*, 386 F.2d 476, 155 USPQ 586 (CCPA 1967); and *In re Griswold*, 365 F.2d 834, 150 USPQ 804 (CCPA 1966).

**CLAIM 1 IS PATENTABLE OVER
“NOTORIOUSLY OLD AND WELL KNOWN COMMON KNOWLEDGE”**

The Examiner rejected claim 1 under 35 U.S.C. § 103(a) in view of uncited knowledge the Examiner contends is old and notorious. However, the Applicant respectfully requests that the Examiner provide a citation to a reference that includes the limitations set forth in the claims to which the Applicant may more specifically respond. Reconsideration and withdrawal of the rejection of claim 1 is respectfully requested.

CLAIM 1 IS PATENTABLE OVER YOUNG ET AL.

The Examiner rejected claim 1 under 35 U.S.C. § 103(a) in view of U.S. Patent No. 67,393,409 B2 to Young et al. [hereinafter “Young et al.”]. It appears that the Examiner contends Young et al. discloses all of the elements of claim 1. The Applicant respectfully disagrees with the Examiner’s characterization of this reference vis-à-vis claim 1.

Claim 1 as amended includes several limitations not found in Young et al. For example, claim 1 recites "adjusting a desired risk-return characteristic of said selected portfolio by adjusting a risk- return pointer using a graphical user interface device." Similarly, claim 2 recites "determining automatically by a processor a weighting of a plurality of instruments in the portfolio to accommodate said adjusted risk-return characteristic." These limitations are neither set forth in Young et al. nor made obvious by Young et al. Reconsideration and withdrawal of the rejection of claim 1 is therefore respectfully requested.

CONCLUSION

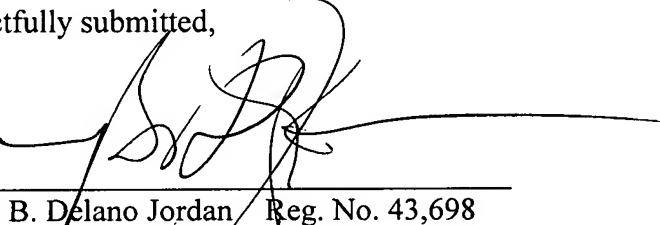
Reconsideration and withdrawal of all of the rejections are requested in view of the previous remarks. The Applicants respectfully submit this Application is in condition for allowance and request issuance of a Notice of Allowance.

If additional amounts are due for any reason it is respectfully requested that the PTO charge any deficiency or credit any overpayment to the deposit account of KENYON & KENYON LLP, Deposit Account No. 11-0600.

In the event the prosecution of this application can be efficiently advanced by a phone discussion, it is requested that the undersigned attorney be called at (202) 220-4200.

Respectfully submitted,

By


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Date: July 9, 2007

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Amendments to the Drawings:

Please add FIG 18, which is attached as New Sheet 17, and substitute the attached Replacement Sheets 1-16 for the originally filed drawing sheets 1-16.

Appendix A